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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/551,637

09/30/2005

Robert Bohm

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04/30/2008

PERRET DOISE

A PROFESSIONAL LAW CORPORATION

P.O. DRAWER 3408

LAFAYETTE, LA 70502-3408

EXAMINER

PASSANITI, SEBASTIANO

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|-------------------------------------|--|
| Office Action Summary | Application No. 10/551,637 | Applicant(s) BOHM, ROBERT | |
| | Examiner Sebastiano Passaniti | Art Unit 3711 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-11 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to communication received 01/22/2008 –
Amendment.

Claims 5, 6, 12 and 13 have been canceled, as directed.

Claims 1-4, 7-11 and 14 remain pending.

Response to Amendment

The substitute specification, received 01/22/2008 is acceptable.

Applicant's comments with respect to the drawings have been acknowledged.

Following is an action on the MERITS:

A significant portion of the following rejections is already part of a previous Office action. Those portions newly added have been italicized for the convenience of the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siddall (U.S. Patent 6,095,930) in view of Wilson (U.S. Patent 5,071,129), *Guthry* (U.S. Patent 5,509,657, *already of record*), *Susinno* (U.S. Patent 2,822,614, *already of record*) and *Lepera* (U.S. Patent 4,598,911). The patent to Siddall shows every feature

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claimed with the exception of a connection that enables the training device *that both rotates* about an axis perpendicular to the front edge of the striking face *and is lockable in various positions*. Wilson shows it to be old in the art to attach a training aid to a golf club so that movement both parallel to and perpendicular to the plane of the striking face may be realized in order to optimize the movement of the device so that a player may selectively customize the golf club to fit the his or her particular needs insofar as alignment or positioning of a proper stance at address. See the "SUMMARY OF THE INVENTION" in Wilson. In view of the patent to Wilson, it would have been obvious to modify the alignment aid in the Siddall patent by providing a suitable attaching means, such as a connecting piece, to enable nearly universal movement of the training device to accommodate a number of golfers. Note, Siddall does provide movement at least about an axis parallel to the face (Figure 8). Also, note reflective *portion* (86) in Siddall. *With respect to the claimed lockable feature, note that the prior art is replete with examples that depict the use of a locking arrangement for a training device that is attached to a golf club. See, for example, column 5, lines 18-42 in Lepera. See column 2, lines 22-45 in Susinno. See column 5, lines 15-33 in Guthry. These prior art devices obviate the use of a lockable support structure so that the position of the training apparatus may be fixed during practice, but at the same time adjusted to accommodate the training needs of a golfer or golfers. In view of the patents to Lepera, Susinno and Guthry, it would have been obvious to further modify the device in the cited prior art to Siddall by including releasable lockable means for the training device, the motivation*

being to hold the device in one position during its use by a golfer and to allow the device to thereafter be adjusted, as necessary.

Claims 1, 3, 4, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maroun (U.S. Patent 3,403,912) in view of Wilson (U.S. Patent 5,071,129), Siddall (U.S. Patent 6,095,930), Guthry (U.S. Patent 5,509,657, already of record), Susinno (U.S. Patent 2,822,614, already of record) and Lepera (U.S. Patent 4,598,911). The patent to Maroun shows every feature claimed including a prism arrangement, but fails to show a connection that enables the training device to rotate about an axis both parallel and perpendicular to the front edge of the striking face, *with the connection including lockable means*, as well as magnetic attaching means on the club. Wilson shows it to be old in the art to attach a training aid to a golf club so that movement both parallel to and perpendicular to the plane of the striking face may be realized in order to optimize the movement of the device so that a player may selectively customize the golf club to fit the his or her particular needs insofar as alignment or positioning of a proper stance at address. See the "SUMMARY OF THE INVENTION" in Wilson. Further, Siddall shows that it is old to attach a training device to a club head via magnet means so that the training aid is easily attachable and removable from the club head. In view of the patents to Wilson and Siddall, it would have been obvious to modify the alignment aid in the Maroun patent by providing a suitable attaching means, such as a connecting piece, to enable nearly universal movement of the training device to accommodate a number of golfers. *With respect to the claimed lockable feature, note that the prior art is replete with examples that depict*

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the use of a locking arrangement for a training device that is attached to a golf club.

See, for example, column 5, lines 18-42 in Lepera. See column 2, lines 22-45 in Susinno. See column 5, lines 15-33 in Guthry. These prior art devices obviate the use of a lockable support structure so that the position of the training apparatus may be fixed during practice, but at the same time adjusted to accommodate the needs of a golfer or golfers. In view of the patents to Lepera, Susinno and Guthry, it would have been obvious to further modify the device in the cited prior art to Siddall by including releasable lockable means for the training device, the motivation being to hold the device in one position during its use by a golfer and to allow the device to thereafter be adjusted, as necessary.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avanzini (U.S. Patent 5,213,331) in view of Wilson (U.S. Patent 5,071,129), Siddall (U.S. Patent 6,095,930), Guthry (U.S. Patent 5,509,657, already of record), Susinno (U.S. Patent 2,822,614, already of record) and Lepera (U.S. Patent 4,598,911). The patent to Avanzini shows every feature *claimed* except for a connection that enables the training device to rotate about an axis both parallel and perpendicular to the front edge of the striking face, *with the connection including lockable means*, as well as magnetic attaching means on the club. Wilson shows it to be old in the art to attach a training aid to a golf club so that movement both parallel to and perpendicular to the plane of the striking face may be realized in order to optimize the movement of the device so that a player may selectively customize the golf club to fit the his or her particular needs insofar as alignment or positioning of a proper stance at address. See the "SUMMARY

OF THE INVENTION” in Wilson. Further, Siddall shows that it is old to attach a training device to a club head via magnet means so that the training aid is easily attachable and removable from the club head. In view of the patents to Wilson and Siddall, it would have been obvious to modify the alignment aid in the Avanzini patent by providing a suitable attaching means, such as a connecting piece, to enable nearly universal movement of the training device to accommodate a number of golfers. *With respect to the claimed lockable feature, note that the prior art is replete with examples that depict the use of a locking arrangement for a training device that is attached to a golf club. See, for example, column 5, lines 18-42 in Lepera. See column 2, lines 22-45 in Susinno. See column 5, lines 15-33 in Guthry. These prior art devices obviate the use of a lockable support structure so that the position of the training apparatus may be fixed during practice, but at the same time adjusted to accommodate the needs of a golfer or golfers. In view of the patents to Lepera, Susinno and Guthry, it would have been obvious to further modify the device in the cited prior art to Avanzini by including releasable lockable means for the training device, the motivation being to hold the device in one position during its use by a golfer and to allow the device to thereafter be adjusted, as necessary.*

Claims 1, 7, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baugh (U.S. Patent 1,556,062) in view of Wilson (U.S. Patent 5,071,129), Siddall (U.S. Patent 6,095,930), Guthry (U.S. Patent 5,509,657, already of record), Susinno (U.S. Patent 2,822,614, already of record) and Lepera (U.S. Patent 4,598,911). The patent to Baugh shows every feature claimed including an apparatus with a suitable

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cross-wire, but fails to show a connection that enables the training device to rotate about an axis both parallel and perpendicular to the front edge of the striking face as well as magnetic attaching means on the club. *Baugh also fails to show a lockable connection.* Wilson shows it to be old in the art to attach a training aid to a golf club so that movement both parallel to and perpendicular to the plane of the striking face may be realized in order to optimize the movement of the device so that a player may selectively customize the golf club to fit the his or her particular needs insofar as alignment or positioning of a proper stance at address. See the "SUMMARY OF THE INVENTION" in Wilson. Further, Siddall shows that it is old to attach a training device to a club head via magnet means so that the training aid is easily attachable and removable from the club head. In view of the patents to Wilson and Siddall, it would have been obvious to modify the alignment aid in the Baugh patent by providing a suitable attaching means, such as a connecting piece, to enable nearly universal movement of the training device to accommodate a number of golfers. *With respect to the claimed lockable feature, note that the prior art is replete with examples that depict the use of a locking arrangement for a training device that is attached to a golf club. See, for example, column 5, lines 18-42 in Lepera. See column 2, lines 22-45 in Susinno. See column 5, lines 15-33 in Guthry. These prior art devices obviate the use of a lockable support structure so that the position of the training apparatus may be fixed during practice, but at the same time adjusted to accommodate the needs of a golfer or golfers. In view of the patents to Lepera, Susinno and Guthry, it would have been obvious to further modify the device in the cited prior art to Baugh by including*

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releasable lockable means for the training device, the motivation being to hold the device in one position during its use by a golfer and to allow the device to thereafter be adjusted, as necessary.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGinty (U.S. Patent 6,923,729) in view of Wilson (U.S. Patent 5,071,129), Siddall (U.S. Patent 6,095,930), *Guthry (U.S. Patent 5,509,657, already of record)*, *Susinno (U.S. Patent 2,822,614, already of record)* and *Lepera (U.S. Patent 4,598,911)*. The patent to McGinty shows every feature claimed *except for a connection that enables the training device to rotate about an axis both parallel and perpendicular to the front edge of the striking face as well as magnetic attaching means on the club. McGinty further fails to show lockable means for any modified connection.* It is clear that a number of ways exist in which a training apparatus may be attached to a golf club. For example, Wilson shows it to be old in the art to attach a training aid to a golf club so that movement both parallel to and perpendicular to the plane of the striking face may be realized in order to optimize the movement of the device so that a player may selectively customize the golf club to fit the his or her particular needs insofar as alignment or positioning of a proper stance at address. See the "SUMMARY OF THE INVENTION" in Wilson. Further, Siddall shows that it is old to attach a training device to a club head via magnet means so that the training aid is easily attachable and removable from the club head. In view of the patents to Wilson and Siddall, the skilled artisan would have gleaned an appreciation of diverse techniques for attaching a training apparatus to a golf club. *With respect to the claimed lockable feature, note that*

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the prior art is replete with examples that depict the use of a locking arrangement for a training device that is attached to a golf club. See, for example, column 5, lines 18-42 in Lepera. See column 2, lines 22-45 in Susinno. See column 5, lines 15-33 in Guthry. These prior art devices obviate the use of a lockable support structure so that the position of the training apparatus may be fixed during practice, but at the same time adjusted to accommodate the needs of a golfer or golfers. In view of the patents to Lepera, Susinno and Guthry, it would have been obvious to further modify the device in the cited prior art to McGinty by including releasable lockable means for the training device, the motivation being to hold the device in one position during its use by a golfer and to allow the device to thereafter be adjusted, as necessary.

Claim Objections

Claim 1 is objected to because of the following informalities: In line 10, "locable" should read --lockable--. Appropriate correction is required.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 7-11 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sebastiano Passaniti/
Primary Examiner
Art Unit 3711

S.Passaniti/sp
April 26, 2008